

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
FUJIAN JINHUA INTEGRATED  
CIRCUIT CO., LTD.  
Defendant.

Case No. 18-cr-00465-MMC-2

**ORDER DENYING DEFENDANT'S  
APPLICATION TO HEAR REQUEST  
FOR EXTENSION ON EX PARTE  
BASIS; SETTING BRIEFING  
SCHEDULE AND HEARING DATE**

The Court is in receipt of defendant Fujian Jinhua Integrated Circuit Co., Ltd.'s ("Jinhua") Ex Parte Application, apparently received today's date by the Clerk of Court,<sup>1</sup> to extend from November 19, 2021, to December 30, 2021, the deadline for its compliance with Rule 16(b)(1)(A) and (1)(B) of the Federal Rules of Criminal Procedure.

In support thereof, Jinhua states that, on November 10, 2021, it reached out to counsel for the government, seeking an agreement to such proposal, and that, having failed to obtain one, it will be irreparably harmed if the application is not heard on an ex parte basis. Jinhua, however, offers no explanation for why it waited until almost the eleventh hour to contact the government about a date that had been set, by agreement, seven months earlier. (See Doc. No. 160.) Moreover, although Jinhua states the proposed extension "should not delay the pre-trial schedule or the current trial date" (see Jinhua's Appl. at 5:16), the Court, in the absence of a response by the government, is not prepared to so find.<sup>2</sup>

<sup>1</sup> For reasons unknown, Jinhua chose to email a copy of the application to the Clerk's office, rather than efile it as required by the Local Rules of this District. See Civil L.R. 5-1(b); Crim. L.R. 2-1.

<sup>2</sup> For example, the deadline to file motions in limine is December 1, 2021.

Accordingly, the Court hereby DENIES Jinhua's application to hear the matter on what is exceptionally shortened time,<sup>3</sup> and instead sets a briefing schedule as follows:

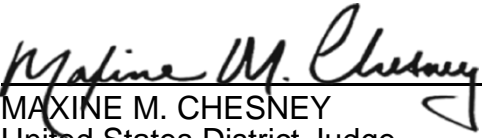
1. No later than December 2, 2021, the government shall file any response to the application.

2. No later than December 9, 2021, Jinhua shall file any reply

3. A hearing on the application is set for December 15, 2021, at 2:15 p.m.

**IT IS SO ORDERED.**

Dated: November 18, 2021

  
MAXINE M. CHESNEY  
United States District Judge

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<sup>3</sup> Indeed, the Clerk did not docket the application until after 2:30 p.m. and there is no showing the government had otherwise received it.